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December 14, 2016

**BY ECF**

The Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

Re: United States v. Brian Coll,  
15 Cr. 360 (LAP)

Dear Judge Preska:

This letter is submitted with respect to the testimony of Rebecca Folkerth, M.D., the government's rebuttal witness. Since the government's notice, provided December 12, 2016, stated only that "[w]e expect that Dr. Folkerth will testify that Ronald Spear's brain did not show signs of ischemia," it is respectfully submitted that Dr. Folkerth's testimony opining that the subarachnoid hemorrhage on the left side of Ronald Spear's head was a contrecoup injury (at T. 1292-93 on direct, and T. 1309-12 on cross-examination) should be stricken from the record, and the jury instructed to disregard it entirely.

Respectfully submitted,



Joshua L. Dratel

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